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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,586	07/16/2003	Brian R. Crowell	0275Y-000591	8888

27572 7590 03/18/2005

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EXAMINER

LEE, DOUGLAS S

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/620,586	Applicant(s) CROWELL, BRIAN R.	
	Examiner Douglas S Lee	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 is/are allowed.
- 6) ☐ Claim(s) 18-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 18-21 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 18-21 of copending Application No. 10/822349 or PGPUB NO. 20050011655. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Allowable Subject Matter

The following is an Examiner's statement of reasons for the indication of allowable subject matter: Regarding claim 1, the allowability, at least in part, resides in a system for communicating information between a power tool and an independent subsystem using a power cord of the tool as a signal conducting medium, fails to teach in part a controller disposed with said tool operable to recognize said input signal and to enter a

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communications mode of operation; an electronic module disposed within said tool for storing operational information relating to said power tool, said electronic module being in communication with said controller; wherein said controller obtains said operational information from said electronic module and causes periodic pulses, representative of said operational information, to be transmitted over said power cord in synchronization with said input signal; and wherein said interface system decodes said periodic pulses to obtain said operational information. Regarding claim 7, the allowability, at least in part, resides in a system for communicating information between a power tool having a power cord, an internal motor, a switch in communication with said power cord for switching on and off said motor, and a storage module for storing operational information relating to said tool, fails to teach in part a controller disposed with said tool and operatively coupled with said switch, said controller operating to recognize said input signal and to enter a communications mode of operation, said controller being in communication with said storage module; wherein said controller obtains said operational information from said electronic module and causes periodic pulses,

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representative of said operational information, to be transmitted over said power cord in synchronization with said input signal back to said interface subsystem; and wherein said interface system decodes said periodic pulses to obtain said operational information. Regarding claim 13, the allowability, at least in part, resides in a system for communicating information between a power tool having a power cord, an internal motor, a switch in communication with said power cord for switching on and off said motor, and a storage module for storing operational information relating to said tool, fails to teach in part an independent interface subsystem adapted to be coupled to said power cord for facilitating bi-directional communications with said power tool, via said power cord; said independent interface subsystem operating to initiate a communications mode between said power tool and said interface subsystem by applying an input signal having a frequency greater than 60 Hz and being of insufficient magnitude to cause rotation of said motor; and a controller disposed within a housing of said tool for recognizing said input signal and transmitting signal pulses, via said switch, corresponding to said stored operational information over said power cord back to said interface subsystem for decoding by said interface subsystem.

1. Claims 2-6, 8-12 and 14-17 are allowed for the same reasons above.

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Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Douglas Lee, whose telephone number is (571) 272-3745. The examiner can normally be reached on Monday-Friday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Leo Picard*, can be reached on (571) 272-3749 or via e-mail addressed to *[leo.picard@uspto.gov]*. The fax number for this Group is (703) 872-9306.

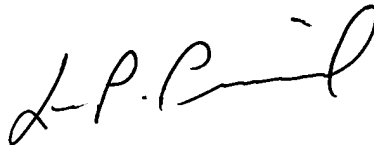
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[doug.lee@uspto.gov]**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631.

Douglas Lee


3/16/2005



LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100